

## SENATE BILL NO. 389

INTRODUCED BY C. SQUIRES

A BILL FOR AN ACT ENTITLED: "AN ACT REVISING COMBATIVE EVENTS LAWS TO INCLUDE AMATEURS; AUTHORIZING A DEPARTMENT OF LABOR AND INDUSTRY REPRESENTATIVE TO TERMINATE A COMBATIVE EVENT UNDER CERTAIN CIRCUMSTANCES; PROVIDING THAT CERTAIN COMBATIVE EVENTS CONDUCTED BY AMATEUR ORGANIZATIONS ARE NOT UNDER DEPARTMENT JURISDICTION; REVISING LICENSE REQUIREMENTS; INCREASING THE TAX ON GROSS TICKET SALES PAID TO THE DEPARTMENT; AMENDING SECTIONS 23-3-301, 23-3-402, 23-3-404, 23-3-501, 23-3-502, AND 23-3-601, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**Section 1.** Section 23-3-301, MCA, is amended to read:

**"23-3-301. Definitions.** Unless the context requires otherwise, in this chapter, the following definitions apply:

(1) "Amateur organization" means an organization recognized by the United States olympic committee.

~~(1)~~(2) "Combative events" means a match, exhibition, contest, show, or tournament involving contestants in boxing, wrestling, mud wrestling, martial arts, or any other combative practice as defined by the department by rule.

~~(2)~~(3) "Contestant" means a ~~professional or semiprofessional~~ practitioner of boxing, wrestling, mud wrestling, martial arts, or any other combative practice as defined by the department by rule.

~~(3)~~(4) "Department" means the department of labor and industry provided for in Title 2, chapter 15, part 17.

~~(4)~~(5) "Program" means a set of operations governed by the statutes in this chapter and the rules adopted by the department under this chapter."

**Section 2.** Section 23-3-402, MCA, is amended to read:

**"23-3-402. Enforcement of rules.** (1) The department may designate in writing a representative to act specifically on behalf of the department but only within the scope of the written authority.

(2) The representative shall attend and supervise a combative event and has the authority from the department to enforce rules adopted under this chapter.

(3) The representative is authorized to immediately terminate a combative event for failure on the part of the promoter or an agent or assignee of the promoter to comply with the provisions of this chapter and rules adopted pursuant to this chapter."

**Section 3.** Section 23-3-404, MCA, is amended to read:

**"23-3-404. Jurisdiction -- license required -- contestant participation.** (1) The department has sole management, control, and jurisdiction over each ~~professional or semiprofessional~~ combative event involving recognition, a prize, or a purse and at which an admission fee is charged, either directly or indirectly, in the form of dues or otherwise, to be held within the state, except a combative event conducted:

(a) by a university, college, or high school; ~~or~~

(b) by the military; or

(c) by an amateur organization that has regulations that meet or exceed the provisions of this chapter and any rules adopted pursuant to this chapter.

(2) An organization or individual may not conduct a combative event within the department's jurisdiction unless the organization or individual is the holder of an appropriate license granted by the department.

(3) A referee, manager, or judge may not participate in a combative event within the department's jurisdiction unless:

(a) the individual is licensed by the department; and

(b) the combative event is conducted by an organization or individual licensed by the department.

(4) A contestant may not participate in a combative event within the department's jurisdiction unless:

(a) the contestant is licensed by the department;

(b) the combative event is conducted by an organization or individual licensed by the department; and

(c) the department has not suspended the right of the contestant to participate under 23-3-603."

**Section 4.** Section 23-3-501, MCA, is amended to read:

**"23-3-501. Licenses -- fees.** (1) The department ~~may~~ shall issue a license to a ~~professional or semiprofessional~~ promoter of combative events, ~~whether an individual or organization,~~ for the sole purpose of conducting ~~professional or semiprofessional~~ combative events.

(2) The department ~~may~~ shall issue licenses to qualified referees, managers, contestants, seconds, trainers, and judges.

(3) A license issued in accordance with subsections (1) and (2) expires on the date set by department rule.

(4) Each application for a license under this section must be accompanied by a fee, as provided in 37-1-134, set by the department."

**Section 5.** Section 23-3-502, MCA, is amended to read:

**"23-3-502. Bond -- conditions.** (1) A license to conduct ~~professional or semiprofessional~~ combative events may not be issued unless the licensee has executed a bond in the sum of not less than \$5,000.

(2) The bond must be conditioned on faithful compliance by the licensee with the provisions of this chapter and the rules of the department."

**Section 6.** Section 23-3-601, MCA, is amended to read:

**"23-3-601. Report of ticket sales -- tax on gross receipts -- disposition of money received.** (1) An individual or organization licensed to conduct a combative event shall, within 24 hours after the completion of each combative event, furnish to the department a written report, verified by one of its officers or owners, showing the number of tickets sold for the combative event, the amount of gross proceeds, and other matters that the department prescribes and shall also within 24 hours pay to the department a tax of 5% 10% of its total gross receipts after deducting the federal admission tax, if any, from the sale of tickets.

(2) All taxes and fees collected by the department under this chapter must be deposited in the state special revenue fund for the use of the program, subject to 37-1-101(6)."

NEW SECTION. **Section 7. Effective date.** [This act] is effective on passage and approval.

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